

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/14/14

-----X
MARK INESTI,

Petitioner,

13 Civ. 6351 (WHP) (JCF)

-against-

ORDER

PEOPLE OF THE STATE OF NEW YORK,

Respondent.
-----X

WILLIAM H. PAULEY III, District Judge:

Petitioner pro se Mark Inesti petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his conviction in New York State court. This action was referred to Magistrate Judge James C. Francis IV. On April 23, 2014, Magistrate Judge Francis issued a report and recommendation (the "Report") recommending that Inesti's petition be denied. The Report directed that Inesti file any objections to it within ten days. It is now twenty-one days after Magistrate Judge Francis issued the Report and Inesti has filed no objections.

This Court has reviewed Magistrate Judge Francis's thorough and well-reasoned Report and finds that it is not facially erroneous. See 28 U.S.C. § 636(b)(1). Accordingly, this Court adopts the Report in its entirety and denies Inesti's petition. Because Inesti has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not be issued. See 28 U.S.C. § 2253(c)(2).

In addition, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962). The Clerk of the Court is directed to terminate all pending motions and mark this case as closed.

Dated: May 14, 2014
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

Magistrate Judge Francis

Counsel of Record:

Mark Inesti
DIN# 10-A-1169
Attica Correctional Facility
P.O. Box 149
Attica, New York 14011
Petitioner, pro se

Priscilla Steward, Esq.
Assistant Attorney General
120 Broadway
New York, New York 10271
Counsel for Respondent